

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHNNY N. TALBERT,

Plaintiff,

v.

SCOTT SPEER,

Defendant.

CASE NO. 3:25-cv-05099-DGE-GJL

ORDER ADOPTING REPORT AND
RECOMMENDATION (DKT. NO.
11)

United State Magistrate Judge Grady J. Leupold issued a Report and Recommendation (“R&R”) recommending dismissal of the Petitioner’s Petition for habeas relief. (Dkt. No. 11.) The R&R identified the Petitioner seeks federal habeas relief pursuant 28 U.S.C. § 2241 but that “the exclusive mechanism for him to challenge his current state of confinement in federal court would be under 28 U.S.C. § 2254.” (*Id.* at 2.). Judge Leupold informed Petitioner he had “invoked the incorrect provision for federal habeas relief and did not provide sufficient detail . . . to screen his Petition for matters such as timeliness and exhaustion of state court remedies as required by Rule 4 of the Rules Governing § 2254 cases[.]” (*Id.*; *see also* Dkt. No.

10.) Judge Leupold provided Plaintiff an opportunity to cure and address the deficiencies identified before recommending dismissal. (Dkt. No. 10 at 4.) Petitioner did not file an amended Petition.

Petitioner filed objections to the R&R. (Dkt. No. 12.). However, objections to an R&R must be “specific.” Fed. R. Civ. P. 72(b)(2). “In the absence of a specific objection, the court need only satisfy itself that there is no ‘clear error’ on the face of the record before adopting the magistrate judge’s recommendation.” *Venson v. Jackson*, Case No. 18-cv-02278-BAS-BLM, 2019 WL 1531271, at *1 (S.D. Cal. April 8, 2019). Here, the objections are cookie-cutter objections lacking any substance and in no way relate to the deficiencies Judge Leupold identified. They are not “specific” objections. Having reviewed the record *de novo*, the Court concludes there is no clear error in the R&R’s analysis.

Accordingly, it is hereby ORDERED:

1. The Court adopts the Report and Recommendation (Dkt. No. 11).
2. Petitioner’s federal habeas Petition is dismissed without prejudice.
3. The Clerk is directed to send copies of this Order to Petitioner and to the Hon. Grady

J. Leupold.

Dated this 27th day of May, 2025.



David G. Estudillo
United States District Judge